

PETER S. CHRISTIANSEN, ESQ.

Nevada Bar No. 5254

pete@christiansenlaw.com

KENDELEE L. WORKS, ESQ.

Nevada Bar No. 9611

kworks@christiansenlaw.com

WHITNEY J. BARRETT, ESQ.

Nevada Bar No. 13662

kworks@christiansenlaw.com

CHRISTIANSEN LAW OFFICES

810 S. Casino Center Blvd., Suite 104

Las Vegas, Nevada 89101

Telephone: (702) 240-7979

Facsimile: (866) 412-6992

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Bernadine Morimoto, as Personal Representative
of the ESTATE OF ABGYGAILE B., deceased;
EMBER B., a minor, by and through maternal
grandmother and legal guardian, Bernadine
Morimoto; and KARRIAH M., a minor, by and
through maternal grandmother and legal guardian,
Bernadine Morimoto,

Plaintiffs,

vs.

RICHARD WHITLEY, Director of the Nevada
Department of Health and Human Services;
KELLY WOOLRIDGE, Administrator of the
Nevada Division of Child and Family Services;
DONALD BURNETTE, Clark County Manager;
CLARK COUNTY; TIMOTHY BURCH, Director
of Clark County Department of Family Services;
JAMES HARDEE, individually; HOPELINK OF
SOUTHERN NEVADA, a Nevada Non-Profit
Corporation; SHERRY BENNETT, individually;
JUSTIN TOM BENNETT, individually; DOES I-
X, inclusive; ROES XI-XX, inclusive;

Defendants.

HOPELINK OF SOUTHERN NEVADA, a
Nevada Non-Profit Corporation, JAMES
HARDEE, individually,

Cross-Claimant

v.

CASE NO.: 2:17-cv-01774-APG-GWF

**STIPULATION TO MODIFY
SCHEDULING ORDER
DEADLINES
(3rd REQUEST)**

1 JUSTIN BENNETT, individually; DOES I through
2 X, inclusive,

3 Cross-Defendant

4 HOPELINK OF SOUTHERN NEVADA, a
5 Nevada Non-Profit Corporation, JAMES
HARDEE, individually,

6 Third-Party Plaintiff

7 v.

8 KORIE MORIMOTO, individual; BERNADINE
9 MORIMOTO, individually; KENNETH
10 MORIMOTO, individually; SHERRY MORSE,
individually; and DOES I through X, inclusive

11 Third-Party Defendants

12 This Stipulation to modify the scheduling order is entered into by and between Plaintiff
13 BERNADINE MORIMOTO, as Personal Representative of the Estate of Abygaile B. and legal
14 guardian and maternal grandmother of Ember B. and Karriah M.; and Defendants DONALD
15 BURNETTE; TIMOTHY BURCH; CLARK COUNTY; JAMES HARDEE; and HOPELINK OF
16 SOUTHERN NEVADA, by and through their attorneys of record, pursuant to LR IA 6-1 and LR
17 26-4 and based upon the following. This is the third request for an extension of the discovery
18 deadlines.

19 **(a) A STATEMENT OF DISCOVERY COMPLETED TO DATE:**

20 Plaintiffs and Defendants Clark County, James Hardee, and Hopelink have exchanged
21 initial disclosures of documents and the names of individuals with knowledge of the facts
22 pertaining to Plaintiffs' claims against Defendants and have supplemented those disclosures. The
23 parties have propounded and responded to written discovery. The remaining parties have
24 propounded and responded to written discovery. Plaintiffs have subpoenaed the records from
25 Henderson Police Department, Las Vegas Metropolitan Police Department and the Clark County
26 Medical Examiner and have received the subpoenaed documents. Plaintiff is currently reviewing
27 the subpoenaed records for supplementation. Plaintiff has taken the deposition of Lisa Ray
28

Gibson and the first day of the deposition of Kristin Reyn Aviles. Plaintiffs and Defendants have additional depositions on calendar and are in the process of coordinating additional depositions.

(b) A SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED:

- (1) Defendants anticipate taking the deposition of Bernadine Morimoto, Korie Morimoto, Sherry Bennett, and Kenneth Morimoto;
- (2) Plaintiffs anticipate taking the depositions of Defendants James Hardee; Karen Kyger; the 30(b)(6) witness for Hopelink of Southern Nevada; 30(b)(6) witness for Clark County; Timothy Burch; Donald Burnette; Richard Whitley; Lorea Arostegui; and Kelly Woolridge inter alia;
- (3) Disclosure of documents pursuant to subpoenas to Las Vegas Metropolitan Police Department and Henderson Police Department;
- (4) Disclosure of expert witnesses;
- (5) Depositions of the parties' expert witnesses;
- (6) Additional document production.

(c) THE REASON WHY DISCOVERY REMAINING WAS NOT COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCOVERY PLAN

The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension. The parties agree that, pending this Court's approval, extension of the discovery deadlines is appropriate. This is the parties' third request for an extension of the discovery deadlines. Defendants Hopelink of Southern of Nevada and James Hardee filed a motion for leave to add new parties and discovery was halted while the parties awaited this Court's decision on this Motion, which was denied without prejudice and re-filed on June 7, 2018. The re-filed Motion was granted, and the order was entered on July 2, 2018. Defendants Hopelink of Southern of Nevada and James Hardee filed and serve their Third-Party Complaint and Crossclaim on July 2, 2018. Service was effectuated on Kenneth and Bernadine Morimoto but is still pending on Sherry Morse and Korie Morimoto. Answers are pending from the served parties. Additionally,

the parties are currently awaiting an order from the Court regarding Defendants Clark County, Donald Burnette and Timothy Burch's Motions to Dismiss which has been set on hearing for October 24, 2018. The parties also wish to further investigate this case but given the ongoing criminal investigations and prosecutions of Justin Bennett and Sherry Bennett, access to this information is limited. This request is being filed more than 21 days before the expiration of the discovery deadline. The parties are seeking a 6-month continuance of below referenced dates.

(d) A PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:

Description:	Current Deadline:	Proposed Deadline:
Expert disclosure deadline	October 5, 2018	April 5, 2019
Rebuttal expert disclosure	November 5, 2018	May 6, 2019
Discovery Deadline	December 4, 2018	June 4, 2019
Dispositive Motion Deadline	January 4, 2019	July 5, 2019
Pre-Trial Order Deadlines	February 4, 2019	August 5, 2019
Amend Pleadings and Add Parties	Closed	Closed
Interim Status Report	October 4, 2018	April 5, 2019

DATED: 27th day of September 2018.

CHRISTIANSEN LAW OFFICES

By /s/ R. Todd Terry
PETER S. CHRISTIANSEN, ESQ.
Nevada Bar No. 5254
R. TODD TERRY, ESQ.
Nevada Bar No. 6519
WHITNEY J. BARRETT, ESQ.
NV Bar No. 13662
810 S. Casino Center Blvd., Ste. 104
Las Vegas, NV 89101
Attorneys for Plaintiffs

DATED: 27th day of September 2018.

SKANE WILCOX LLP

BY /s/ Sarai L. Brown
SARAI L. BROWN, ESQ.
NV Bar No. 11067
1120 Town Center Drive, Suite 200
Las Vegas, NV 89144
Attorneys for Defendants Hopelink of
Southern Nevada and James Hardee

DATED: 27th day of September 2018.

OLSON, CANNON, GORMLEY,
ANGULO & STOBERSKI

BY /s/ Felicia Galati
FELICIA GALATI, ESQ.
NV Bar No. 7341
9950 W. Cheyenne Avenue
Las Vegas, NV 89129
Attorneys for Defendants Clark County,
Donald Burnette and Timothy Burch

1 **IT IS SO ORDERED.**

2 

3 UNITED STATES MAGISTRATE JUDGE

4 **DATED:** 9-28-2018